

Appl. No. 10/666,493
Reply to Official Action of May 17, 2006

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REMARKS

Claims 1-19 and 29 are pending in this application. Reconsideration of this application is respectfully requested.

Claim rejections under 35 U.S.C. §103(a)

The Action rejects Claims 1-3, 5, 7, 10, 12, 13, 18, and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,228,221 to Jeong ("Jeong") in view of U.S. Patent No. 6,799,606 to Howson ("Howson"). The Action alleges that it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to provide a grate in the apparatus of Jeong as taught by Howson as a drainage regulating means. Reconsideration and withdrawal of the rejection of these claims are respectfully requested in view of following arguments.

As amended in the previous response, Claim 1 recites regulating means with openings disposed in said tank and over said drain opening to control downward draining rate and downward draining direction of said fluid.

Applicants submit that one of ordinary skill in the art would not have been motivated by Howson to modify Jeong's apparatus because Howson is not analogous prior art. M.P.E.P. 2141.01(a) I provides that, to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. In order to qualify as analogous art, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The wet processing apparatus of Claim 1 is used in an integrated circuit manufacturing process as set forth in Field of the Invention. Unlike the claimed apparatus, Howson is directed to a drainage pipe covering kit for use during building or floor construction. Certainly, building/floor construction and integrated circuits are unrelated fields. This is evidenced by the assignment of this application to Art Unit 1763, which includes U.S. classifications 118, 156, 216, 252, and 438. None of Howson's classifications is included in this assigned Unit. Applicants, therefore, submit that Howson does not relate to the field of the apparatus of Claim 1.

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Further, the nature of the problem to be solved by the claimed apparatus is sticking of wafers while they are subjected to a wet process step. Nothing in the description or drawings of Howson is (or considerably can be) directed to such a problem. Indeed, Howson's disclosure is directed to concerns regarding blockages of drainage pipes resulting from materials, such as tiles, disposed of therein during the construction process. (Lines 9-24, Col. 1). In order to eliminate this concern, Howson discloses a removable closure member 40, which is mounted on an inlet end portion 14 of a conduit 12 to close the conduit 12 as shown in FIGS. 1, 7, and 14. Nothing in the disclosure of Howson directs those in the art how to use or configure a grate to control the direction and draining rate of a cleaning fluid. Therefore, the disclosure of Howson is not "reasonably pertinent" to the problem to be solved by Applicants' invention.

Since Howson is not in the same field of the invention and is not reasonably pertinent to the nature of the problem to be solved by the apparatus of Claim 1, it is submitted that Howson is not analogous art upon which the rejection can be made.

Notwithstanding the foregoing, Applicants further submit that nothing in Jeong or Howson, as a whole, would have led those in the art to combine these cited references to achieve the apparatus of Claim 1. As argued above, the nature of the problems described in Jeong and Howson are not unrelated to that to be solved by the apparatus of Claim 1.

Further, Jeong's apparatus is used for etching a glass substrate in which bubbles are provided upwardly through a bubbling plate 3 for removing impurities on a substrate 11 such that the substrate 11 can be uniformly etched. Placement of the grate of Howson in the apparatus of Jeong would create turbulence that interferes with the upward path of the bubbles during the processing of the glass substrate, thus interfering with the ability of the apparatus to function properly in removing impurities and achieving etch uniformity. Therefore, as the modified Jeong apparatus proposed by the Examiner would not work for its intended purpose, it is submitted that one of ordinary skill would not have been motivated to make the suggested combination.

From the foregoing arguments, it is submitted that Claim 1 is not obvious over the combination of these cited references and is, therefore, allowable for at least these reasons set forth above.

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Claims 2-3, 5, 7, and 10 depend from Claim 1 and are, therefore, allowable over the art of record.

Independent Claims 12 and 29 also recite the regulating means feature and are, therefore, allowable for at least the reasons set forth in connection with Claim 1. Claims 13 and 18 depend from Claim 12 and are, therefore, allowable for at least the reasons described above.

The Action also rejects Claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over Jeong in view of Howson, and further in view of U.S. Patent No. US 5,845,660 to Shindo et al. ("Shindo"). Claims 6 and 16 depend from Claims 1 and 12, respectively, and are, therefore, allowable for at least the reasons described above.

The Action further rejects Claims 9, 11, 14, 16, and 19 under 35 U.S.C. §103(a) as being unpatentable over Jeong in view of Howson, and further in view of U.S. 6,616,774 to Sonoda et al. ("Sonoda"). Claims 9, 11, 14, 16, and 19 depend from Claims 1 and 12, respectively, and are, therefore, allowable over the art of record for at least the reasons set forth above.

Claims 4, 8, 15, and 17

The Action failed to state any ground for rejection or objection to Claims 4, 8, and 17. Indication of the allowability of Claims 4, 8, and 17 is thus requested.

Further, Claims 4, 8, and 17 depend from Claims 1 and 12, respectively, and are, therefore, allowable for at least the reasons set forth in connection with Claims 1 and 12, respectively.

The Action also fails to state any ground for rejection or objection to Claim 15. Indication of the allowability of Claim 15 is requested.

Claim 15 also depends from Claim 12 and is, therefore, allowable for at least the reasons described above.

In view of the foregoing arguments, reconsideration and withdrawal of the rejections of Claims 1-19 and 29 are respectfully requested.

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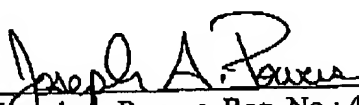
Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: 8/9/06


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